

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5409
Grover Norquist; Americans for Tax)
Reform, Inc.; Ken Mehlman; Bush-)
Cheney '04 and David Herndon, as)
treasurer)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 19, 2004 the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

- a. Dismiss MUR 5409.
- b. Take no further action and close the file.
- c. Send the appropriate letters.

Commissioners Mason, Smith, and Toner voted affirmatively for the motion.

Commissioners McDonald, Thomas, and Weintraub dissented.

2. Decided by a vote of 5-1 to:

- a. Find reason to believe that Americans for Tax Reform, Inc. violated 2 U.S.C. § 441b(a).
- b. Find reason to believe that Grover Norquist violated 2 U.S.C. § 441b(a).
- c. Find reason to believe that Bush-Cheney '04 and David Herndon, as treasurer, violated 2 U.S.C. §§ 441b(a) and 434(b).
- d. Find reason to believe that Ken Mehlman violated 2 U.S.C. § 441b(a).

- e. Find no reason to believe that Grover Norquist violated 2 U.S.C. § 441a(a)(1)(A).
- f. Find no reason to believe that Bush-Cheney '04 and David Herndon, as treasurer, violated 2 U.S.C. § 441a(f).
- g. Take no further action and close the file.
- h. Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Thomas, and Weintraub voted affirmatively for the decision. Commissioner Toner dissented.

Attest:

October 20, 2004
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission